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Attorneys for Defendant AT&T Digital Life, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KIRBY SPENCER,)	CASE NO. 2:14-cv-01136-RFB-(PAL)
)	
Plaintiff,)	AT&T DIGITAL LIFE, INC.'S REQUEST
)	FOR JUDICIAL NOTICE IN SUPPORT OF
v.)	OPPOSITION TO PLAINTIFF'S MOTION
)	FOR LEAVE TO FILE AN AMENDED
AT&T DIGITAL LIFE, INC., a foreign)	COMPLAINT
corporation doing business in Nevada,)	
)	
Defendant.)	
)	

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Defendant AT&T Digital Life, Inc. (“AT&T”) hereby
3 respectfully requests that the Court take judicial notice of the documents set forth below (together
4 with their contents) pursuant to Federal Rule of Evidence 201.

5 Rule 201 permits a court to take judicial notice of facts that are “not subject to reasonable
6 dispute in that [they are] either (1) generally known within the territorial jurisdiction of the trial
7 court or (2) capable of accurate and ready determination by resort to sources whose accuracy
8 cannot reasonably be questioned.” Fed. R. Evid. 201(b). The Court may properly take judicial
9 notice of its own docket, including court docket entries in other litigation commenced by a party.
10 *See, e.g., Van Nort v. Fair*, 2010 WL 4284273 *4 n.2 (D. Nev. Oct. 19, 2010) (“The Court takes
11 judicial notice of its own docket and notes here that plaintiff has filed numerous actions with the
12 court”); *Leavitt v. Neven*, 2012 WL 2838632 *2 (D. Nev. July 10, 2012) (taking judicial
13 notice of docket activity in other district court litigation involving a party).

14 Accordingly, AT&T respectfully asks that the Court take judicial notice of the operative
15 complaints in each of the other lawsuits filed by Plaintiff Kirby Spencer in this District where he
16 alleges an individual claim under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et*
17 *seq.* (“TCPA”). The complaints listed below are attached as Exhibits 1-11 to this Request for
18 Judicial Notice.

- 19 • Exhibit 1: *Spencer v. Nationwide Credit, Inc.*, 2:14-cv-02051-JAD-NJK (filed Dec. 8,
20 2014).
- 21 • Exhibit 2: *Spencer v. Security Finance Corp. of Nevada*, 2:14-cv-01914-RFB-PAL (filed
22 Nov. 17, 2014).
- 23 • Exhibit 3: *Spencer v. Bluestem Brands, Inc.*, 2:14-cv-01880-RFB-VCF (filed Nov. 10,
24 2014).
- 25 • Exhibit 4: *Spencer v. Collection Bureau of America, Ltd.*, 2:14-cv-01863-RFB-CWH
26 (filed Nov. 6, 2014).
- 27 • Exhibit 5: *Spencer v. MRS BPO, LLC*, 2:14-cv-01833- MMD-GWF (filed Nov. 4, 2014).

- Exhibit 6: *Spencer v. Wells Fargo Bank, N.A.*, 2:14-cv-01648-LDG-GWF (filed October 7, 2014).
- Exhibit 7: *Spencer v. Kohl's Department Stores*, 2:14-cv-01646-RFB-CWH (filed Oct. 7, 2014).
- Exhibit 8: *Spencer v. LTD Financial Servs.*, 2:14-cv-01138-APG-CWH (filed July 11, 2014).
- Exhibit 9: *Spencer v. ATG Credit, LLC*, 2:13-cv-00206-JAD-CWH (filed Feb. 7, 2013).
- Exhibit 10: *Spencer v. Diversified Adjustment Service, Inc.*, 2:12-cv-01317-JCM-PAL (filed July 26, 2012).
- Exhibit 11: *Spencer v. Enhanced Recovery Co., LLC*, 2:12-cv-00167-KJD-RJJ (filed May 22, 2012).

Dated: February 6, 2015

CROWELL & MORING, LLP

By: /s/ Joel D. Smith

Joel D. Smith
Attorneys for Defendant
AT&T Digital Life, Inc.

CERTIFICATE OF SERVICE

I, Joel D. Smith, state:

My business address is 275 Battery Street, 23rd Floor, San Francisco, California 94111. I am over the age of eighteen years and not a party to this action.

On the date set forth below, I served via electronic service the foregoing document(s) described as:

**AT&T DIGITAL LIFE, INC.'S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF OPPOSITION TO PLAINTIFF'S
MOTION FOR LEAVE TO FILE AN AMENDED
COMPLAINT**

on the following person(s) in this action:

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DATED: February 6, 2015 BY: /s/

Joel D. Smith